

UNITED STATES DISTRICT COURT
IN THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

MAY 29 2009

JOHN F. CORCORAN, CLERK
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THOMAS DOMONOSKE,
*Individually and on behalf
of others similarly situated*

Plaintiff

v.

Case No. 05:08-CV-00066
Hon. Samuel G. Wilson
Magistrate Judge: Michael F. Urbanski

BANK OF AMERICA, N.A.,

Defendant

PLAINTIFF'S MOTION FOR CLASS CERTIFICATION

The plaintiff, Thomas D. Domonoske, on behalf of himself and all others similarly situated, by counsel, respectfully moves the court pursuant to Rule 23 of the Federal Rules of Civil Procedure, for entry of an order certifying that this case may proceed against the defendant Bank of America, N.A. as a class action. Specifically, the plaintiff seeks certification of the following alternative classes:

CLASS DEFINITION 1:

- a) All natural persons who applied to Bank of America, N.A., after August 7, 2006;
- b) For a loan product that was processed by the ACAPS system
- c) That was to be secured by one to four units of residential property; and
- d) Who were approved for that loan on or prior to the date of class certification.

CLASS DEFINITION 2:

- a) All persons who applied to Bank of America, N.A., after August 7, 2006;
- b) For a home equity line of credit loan (HELOC) product;
- c) That was to be secured by one to four units of residential property; and
- d) Who were approved for that loan on or prior to the date of class certification.

The grounds for the plaintiff's Motion are more fully described in the Memorandum In Support of Motion for Class Certification filed immediately after this Motion.

Respectfully Submitted,

THOMAS DOMONOSKE, Individually
and on behalf of all others similarly situated

By: 

Timothy Earl Cupp

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Dated: May 29, 2009

Certificate of Service

I hereby certify that on May 29, 2009, I electronically filed the foregoing paper with the Clerk of the Court and served this document on the following parties:

Party	Manner Served
John Trocki Morrison & Foerster LLP Attorney For Bank of America, N.A. 1650 Tysons Blvd., Suite 300 McLean, VA 22102 PHONE: (703) 760-7720 FAX:	Electronically via the CM/ECF System <i>and mailed</i>
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By: 
Timothy E. Cupp